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EXAMINER

CHOW, C

ART UNIT

PAPER NUMBER

2318

13

DATE MAILED:

11/05/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10/21/96 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3, 10-18 are pending in the application.

(Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-3, 10-18 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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**Part III DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to the response filed October 21, 1996. ("Response B").

Claims 1-3 and 10-18 are presented for examination.

2. Applicant's arguments with respect to claims 1, 2 and 18 have been fully considered but they are not deemed to be persuasive. The rejections to claim 1, 2 and 18 have been reworded to more carefully to address applicant's argument and are repeated below.

3. The rejections to claims 3 and 10-17 are maintained and repeated below.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 2, 12, and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki (Japanese Patent Application laid open 4-205852), which discloses the invention substantially as claimed by teaching a data storage system comprising: a solid state cache memory; the claimed storage element with moving part; a cache control system; a means to access data stored on the storage element if a read/write request cannot be satisfied via access to the cache memory; a means for accessing data stored within the cache if a read/write request from the computer can be satisfied via an access to the cache memory; and a cache replacement mechanism. Yamazaki also inherently teaches a means for designating selected data within the cache as new data in response to a write from

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the computer which updates data within the cache because Yamazaki manages write requests, which would necessitate a means of tracking dirty blocks in order to maintain cache coherency.

As to claims 1-2: Yamazaki therefore differs from the claimed invention by not specifically teaching a cache replacement mechanism which flushes dirty entries when another disk transaction requires access to the disk itself (claim 1), for a predetermined period of time (claim 2). However, it is well known in the art that there is a certain degree of risk to data coherency associated with write caching, since a failure in the cache or the power supply to the cache or the disk drive may result in lost data. It is also well known in the art that spinning up a disk's platters takes a substantial amount of electrical energy in comparison with the energy required to maintain a already spinning disk's platters at operating speed, and both of the aforementioned activities consumes more electrical energy than a disk with stationery platters. Thus, an artisan would have to balance the competing interests of data safety with that of power conservation. Data safety is enhanced by quickly flushing dirty entries. Power consumption is enhanced by maximizing the amount of time the platters are spun down while (1) minimizing the number of times the drives are spun up and (2) minimizing the time the platters are at operational speed . Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to have modified Yamazaki to have arrived at the claimed invention because writing back dirty entries for a predetermined period of time after servicing a disk I/O request which required spinning up the platters to operational speed simultaneously offers the speed advantages associated with write cache as well as the power savings of Yamazaki.

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As to claim 12: It is noted that the storage device taught by Yamazaki is a magnetic disk drive (See, e.g., page 3 of the translation)

As to claim 18: This claim is a parallel method claim to apparatus claim 1, and is therefore rejected for the same reasons as set forth in the rejection of claim 1 above.

5. Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki as applied to claim 1 above, and further in view of Hanson, *et al.* (US Patent 4,433,374). Yamazaki teaches every feature of the instant claim except for the cache bypass feature. See rejection of claim 1, above. Hanson teaches a cache/disk subsystem with a cache bypass feature. In particular, at col. 4, lines 60 through col. 5, line 66, Hansen teaches bypassing a disk cache for disk transactions which exceed a certain threshold. Indeed Hansen teaches that "extremely long data transfers usually involve data that is not likely to be used again soon." Col. 5, lines 1-3. It therefore would have been obvious at the time the invention was made to one of ordinary skill in the art to have combined the teachings of Yamazaki and Hansen to have arrived at the claimed invention because a cache bypass feature for large data transfers would increase the cache efficiency by maintaining a high cache hit ratio, since caching large transfers have been shown to be ineffective.

6. Claims 10 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki. Yamazaki teaches every element of claim 1 by using a magnetic disk drive as a data storage apparatus. See rejection of claim 1, above. Claims 10 and 14 differ from claim 1 only by specifying the use of an optical drive and MO disk drive as the storage apparatus, respectively. However, magnetic disks,

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optical drive, and MO disk drives are all well known forms of disk based computer memories. Each of these devices comprise a rotating disk shaped media and sensors mounted on an arm assembly for reading and/or writing the data. Additionally, these devices may use the same computer interface, such as SCSI-2. In other words, these devices are analogous, and differ primarily in reading/writing methods, performance, capacity, and ability to withstand environmental stresses. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to have substituted either optical or MO drives as the storage apparatus depending upon the suitability of such devices to the intended application or the environment where the computer system will be situated.

7. Claims 11, 13, and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki as applied to claims 10, 12, and 14, respectively above, and further in view of art common knowledge. Claims 11, 13, and 15 differ from their parent claims of 10, 12, and 14 by containing the additional limitation that the claimed storage subsystem be used in either a personal computer or a portable computer. It is common knowledge that many disks, optical, or MO storage subsystems may be used in a variety of computers, ranging, for example, from engineering workstations to desktop PCs, to notebook and laptops, and sometimes even gaming consoles. The claimed storage subsystems has an advantage in it minimizes the use of electrical power, a goal which is both desirable in desktop PCs (where it reduces electrical utility costs) and especially in portable systems (where it would allow the portable system to run on batteries for a greater length of time). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to have placed the storage subsystems claimed in claims 10, 12, and 14 into either a personal computer or a portable computer in order to optimize the use of power.

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8. Claim 16 is rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki as applied to claim 1 above, and further in view of Noya *et al* (US Patent 5,420,983). Yamazaki teaches every feature of claim 1. Claim 16 differs from claim 1 by having the additional limitation that the cache be non-volatile. Noya teaches a disk subsystem which uses non-volatile memory for a disk write cache. (Noya, col. 5, 30-40). In particular, Noya states that non volatile memory is used in the write cache to prevent any power failure related data corruption. While the present invention is not concerned with data corruption due to power failures, it is focused on minimizing the amount of electrical power consumed by the storage subsystem by inducing power failures in selected subsystems. If non-volatile memory were used for the cache, it would allow the storage subsystem to power down the cache after a period of inactivity without incurring any power penalty associated with having an empty cache, and thereby requiring new disk accesses to involve powering up the drive motor. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to have combined the teachings of Yamazaki and Noya to arrive at the claimed invention because using nonvolatile memory as a cache would lead to additional power savings.

9. Claim 17 is rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki and Noya as applied to claim 16 above, and further in view of art common knowledge. Collectively, Yamazaki and Noya teach every feature of claim 17 except for the additional limitation that the disk subsystem be used with a personal or portable computer. It is common knowledge that many disks subsystems may be used in a variety of computers, ranging, for example, from engineering workstations to desktop PCs, to notebook and laptops. The claimed storage subsystems has an advantage in it minimizes the use of electrical power, a goal which is both desirable in desktop PCs (where it reduces electrical

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utility costs) and especially in portable systems (where it would allow the portable system to run on batteries for a greater length of time). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to have placed the storage subsystems as claimed in claims 16 into either a personal computer or a portable computer in order to optimize the use of power.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Chow whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor Tod Swann can be reached on (703) 308-7791. The fax phone number for this Group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Christopher Chow  
Patent Examiner  
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TOD R. SWANN  
SUPERVISORY PATENT EXAMINER  
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